

**Utah Insurance Department
Content Standards
Application(s)**

NOTE: These Standards are provided to assist the insurer in filing forms and rates. They are not intended to be all inclusive and are a work in progress. References beginning with "31A" refer to the insurance code as part of Utah Code Annotated (U.C.A.) and those beginning with "R590" refer to department rules as part of the Utah Administrative Code (U.A.C.). The comments are a brief synopsis of the referenced material and do not contain all requirements or exceptions. All references should be reviewed for compliance. As required by U.C.A. § 31A-21-201(2), the insurer is responsible for assuring that forms and rates submitted are in compliance with the Utah Insurance Code and Rules. NOTE: Only accelerated benefit riders that qualify under R590-145 should be submitted to the Life Insurance Division.

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
FORM FILING REQUIREMENTS		
File and Use of Forms	31A-3-103, 31A-21-201, R590-86 & Bulletin 99-7	"FILED" means that a filing is submitted in accordance with applicable statute, rule, or filing order; received by the department within the time provided in the applicable statute, rule or filing order; and accompanied with the applicable filing fee. Forms must be filed prior to use.
Application(s)	31A-21-101	Applications are considered part of a policy and when (a) delivered or issued for delivery in this state; (b) on property ordinarily located in this state; (c) on persons residing in this state when the policy is issued; and (d) on business operations in this state are subject to Utah Insurance Code and rules.
Application(s) Attachment	R590-86-3-G & Bulletin 99-7 part 2 (4)(a)(ii)	An application must be included in every policy filing where an application is used.
GENERAL FORM REQUIREMENTS		
Insurance Company Name	31A-21-201(3)(a)(iii) & 31A-21-301(1)(a)	The exact name of the insurer and state of domicile must be identified conspicuously on the application.
Form Identification Number	31A-21-201(3) & R590-86	A distinct form identification number must appear at the bottom of the form. A revised form must contain a revision date or other distinct identifier.
Application - John Doe	31A-21-201(3)(a), R590-86 & Bulletin 99-7 Part 2	All John Doe information must be consistent with the other contents of the filing including the policy summary, disclosure forms, and the actuarial memorandum.
Variability - (Bracketed Data)	31A-21-201, R590-86, Bulletin 99-7	Any information that is variable must be bracketed and must be explained in a statement of variability. Any change in the items contained within the brackets must be refiled prior to use.

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APPLICATION PROVISIONS		
Discretionary Authority and Allocation of Authority	31A-21-201(3), Bulletin 2002-7	<p>Provisions that grant the insurer full and exclusive authority to interpret and construe policy provisions are inequitable, are not in the public interest, are misleading, are contrary to law, and they deprive Utah Courts of jurisdiction to interpret insurance contracts. See Bulletin 2002-7.</p> <p>The Utah Insurance Department understands the need for a discretionary clause in an insurance form that is part of an ERISA plan, therefore the department will allow only the following safe harbor language in insurance forms that are used in ERISA plans: <u>"Benefits under this plan will be paid only if the plan administrator decides that the claimant is entitled to them"</u>.</p> <p>However, where an insurance form is not part of an ERISA plan, the Utah Insurance Department prohibits from use any insurance form that includes any clause that states that the insurance company has discretion.</p>
Group	31A-21-201(3)	The group application or enrollment form must disclose that the application is for group insurance and it must identify the group policyholder.
Health Questions	31A-21-201(3)	The application may not contain vague health questions without a time limit. Vague questions that require an applicant to recall every ailment or affliction of his or her lifetime are considered misleading and encourage misrepresentation.
Replacement Questions	31A-21-201(3), R590-93-7 & R590-93-8	Applications must contain a statement to be signed by the applicant and a statement to be signed by the agent as to whether or not he or she knows whether replacement is or may be involved in the transaction. Replacement is defined in R590-93
GENERAL FILING REFERENCES		
File and Use, Prohibit Use of Form	31A-21-201	Utah is a "FILE AND USE" state for forms. The commissioner may prohibit the use of a form at any time upon a finding that it is, inequitable; unfairly discriminatory; misleading; deceptive, obscure; unfair, encourages misrepresentation; is not in the public interest; or it violates a statute or a rule adopted by the commissioner.
Frequent Problems in Filings	Bulletin 96-8	See Bulletin when preparing a form for filing.
Procedures for Submission of Forms	R590-86 & Bulletin 99-7	See Rule and Bulletin when preparing a form for filing.
Accurate & Complete Information	31A-2-202(6)	The filing must include the signed and dated <u>certification of compliance</u> in the Transmittal Form.

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